



State of Ohio Environmental Protection Agency  
Northeast District Office

EPA Region 5 Records Ctr.



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Bob Fatt, Governor  
Christopher Jones, Director

May 7, 1999

*Rec'd  
17 May 99  
JSM*

RE: MASTER METALS, INC.  
SITE - COMPLIANCE WITH  
STATE ARAR(S)

Ms. Gwen Massenberg  
U.S. EPA Region 5  
77 W. Jackson Blvd. SR-6J  
Chicago, IL 60604-3590

Dear Ms. Massenberg:

Ohio EPA's Division of Emergency and Remedial Response (DERR) had, on March 23, 1999, requested clarification from the Division of Solid and Infectious Waste Management (DSIWM) regarding the state Applicable Relevant and Appropriate Requirements (ARARs), in connection with the proposed non-time critical removal activities at the Master Metals site in Cleveland, Ohio. A copy of the inter-office communication (I.O.C.) is attached for your information.

The issues are related to the management of material at the Master Metals site, both from off-property (fence line) and Holmden Avenue. Ohio EPA's Division of Hazardous Waste Management (DHWM), in internal discussions, has determined that if the generator treats the material (soil) containing a characteristic hazardous waste in tanks and containers to below Toxic Characteristic Leaching Procedure (TCLP), then the soil is no longer considered "hazardous waste," as defined in Ohio Administrative Code (OAC) 3745-51-03 and is, thus, not considered "waste" by DHWM. No permits are required if the treatment takes place within the 90 days allowed under the regulations. **It should be stressed that the treatment of hazardous waste should be carried out in tanks and containers; the proposed plan should be modified to include this requirement explicitly.**

With respect to the solid waste ARARs, Ohio EPA's DSIWM position is that the on-site clean up and consolidation at the Master Metals site at West 3<sup>rd</sup> Street is being carried out under orders from U.S. EPA, as closure and remediation of a hazardous waste facility and is, therefore, beyond the jurisdiction of Ohio's solid waste program. However, disposal of soil from the (non-contiguous) Holmden Avenue site (that was treated below the TCLP levels and is currently stock piled at the Master Metals site awaiting "ultimate disposal") in any manner other than in a licensed solid waste facility would require an exemption from the Director, Ohio EPA, under Ohio Revised Code (ORC) 3734.02(G). Further, disposal of the Holmden Avenue material at the West 3<sup>rd</sup> Street site would create a "solid waste facility," as defined in OAC 3745-27, and would be subject to the requirements of OAC 3745-27-13 for future development activities within the footprint of the disposal area. A copy of the communication from DSIWM is enclosed for your information.

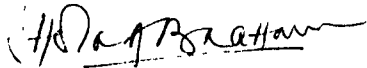
MS. GWEN MASSENBERG

MAY 7, 1999

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Please let me know if I can clarify any of the above.

Sincerely,



Sheila Abraham  
Environmental Specialist

SA/kss

cc: Bob Princic, Ohio EPA, DERR-NEDO  
Rod Beals, Ohio EPA, DERR-NEDO  
Tim Christman, Ohio EPA, DERR-CO  
Tim Kern, Ohio Attorney General's Office  
Jeff Mayhugh, Ohio EPA, DHWM-CO  
Frank Popotnik, Ohio EPA, DERR-DHWM  
Kurt Princic, Ohio EPA, DSIWM-NEDO  
John Schmidt, Ohio EPA, DSIWM-NEDO  
Heidi Sorin, Ohio EPA, DERR-CO

## Interoffice Memorandum

To: Sheila Abraham, DERR and Bob Princic, Supervisor, DERR-NEDO

From: John Schmidt, DSIWM through Kurt Princic, Supervisor, DSIWM-NEDO

Date: April 30, 1999

Re: Master Metals, City of Cleveland, Compliance with State ARARs - Solid Waste Program

Ohio EPA Division of Solid and Infectious Waste Management (DSIWM) is in receipt of your interoffice communication (IOC) dated March 23, 1999 requesting technical assistance on the Master Metals Site. Your request seeks assistance in complying with the state applicable, relevant and appropriate requirements (ARARs) in regards to Ohio's solid waste program in connection with remediation activities at the Master Metals Site. Master Metals is a former lead smelting facility located at 2850 West 3<sup>rd</sup> Street in the City of Cleveland, Cuyahoga County.

Your March 23, 1999 IOC identifies two (2) historic areas of concern (AOC), one comprising of the entire Master Metals West 3<sup>rd</sup> Street complex and contiguous properties (on-site disposal area), and the other on privately-owned residential lots located at 1157, 1159, and 1167 Holmden Avenue, collectively known as the Holmden Avenue disposal area. U.S. EPA removed solid and hazardous wastes from both AOCs for off-site disposal. Remedial activities at these two AOCs is limited to treatment and movement of lead contaminated soils.

It is the understanding of this writer that the Master Metals West 3<sup>rd</sup> Street complex is a former RCRA Subtitle C hazardous waste treatment/storage facility undergoing closure by U.S. EPA through the Superfund Accelerated Cleanup Model (SACM). U.S. EPA has orders with potentially responsible parties (PRPs) associated with Master Metals for remediation of both AOCs. U.S. EPA ordered the PRPs to move the lead contaminated soils from the Holmden Site to the West 3<sup>rd</sup> Street Site and treat the material to below Land Disposal Restriction (LDR) levels. Some of the materials have undergone treatment, while some soils remaining at the West 3<sup>rd</sup> Street site still exhibit lead levels above LDR limits.

In assessing the ARARs in regards to Ohio's solid waste program in connection with remediation activities both AOCs at the Master Metals Site, it is important to consider the circumstances of each AOC separately.

### **Master Metals - West 3<sup>rd</sup> Street Complex**

It is the understanding of this writer that all wastes associated with this site were limited to surface materials, and all materials have been removed and disposed of as either hazardous waste or solid waste, as appropriate. Materials remaining at this site are limited to lead-contaminated soils, some of which have been remediated from hazardous to non-hazardous within the footprint of the existing complex. Other soils at this site are awaiting treatment. U.S. EPA claims that no federal, state, or local permits are required as remediation activities (treatment and consolidation) are being conducted pursuant to 40 CFR 300 under the

Sheila Abraham and Bob Prinic, DERR, NEDO-IOC  
Master Metals, Cleveland  
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Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). It is further the understanding of this writer that the remedy selected by U.S. EPA and/or the PRPs is acceptable to Ohio EPA's DHWM and DERR programs.

Ohio EPA DSIWM recognizes that the on-site cleanup and consolidation is being carried out under orders from U.S. EPA as closure and remediation of a hazardous waste facility, therefore it is beyond the jurisdiction of Ohio's solid waste program. Therefore, Ohio EPA DSIWM sees no regulatory barriers with respect to Ohio's solid waste program to consolidation and closure of the hazardous waste facility under U.S. EPA's orders.

✓ **Master Metals - Holmden Avenue Disposal Area**

The site collectively known as the Holmden Avenue disposal area consists of three privately owned residential properties located at 1157-1159-1167 Holmden Avenue. These three properties received wastes and lead contaminated soils from the Master Metals facility. Wastes at this site were removed and disposed of as either hazardous waste or solid waste, as appropriate. Materials which remained at this site requiring remedial activities were limited to lead-contaminated soils. These soils were excavated and moved to the West 3<sup>rd</sup> Street site and treated to below LDR levels and are currently stockpiled at the West 3<sup>rd</sup> Street Complex awaiting final disposal. Once the untreated soils were removed from the Holmden Avenue disposal area, these soils became "generated waste", and if no longer a "hazardous waste" are considered at a minimum a "solid waste" under Ohio Revised Code (ORC) Section 3734 and Ohio EPA DSIWM Fact Sheet 0610: Frequently Asked Questions about the Management of Soils (February, 1998). Ohio EPA's solid waste program interpretation of consolidation of waste does not include movement between discrete, non-contiguous areas. Disposal of solid waste in any other manner other than in a licensed solid or hazardous waste disposal facility would require an exemption from the Director under ORC 3734.02(G).

It should be noted that if the Holmden Avenue material is disposed of at the West 3<sup>rd</sup> Street complex, this would create a "solid waste disposal facility" as defined by OAC Chapter 3745-27. Such a disposal facility would be subject to the requirements of OAC Rule 3745-27-13 for future development activities within the footprint of the disposal area.

I trust that this answers your concerns over state ARARs with regards to Ohio's solid waste program. If you have any comments or questions, please feel free to contact me at extension 175.

cc: Dan Harris, Chief, DSIWM  
Jennifer Kurko, Supervisor, DSIWM, NEDO  
Frank Popotnik, Supervisor, DHWM, NEDO  
Dave Dysle, Inspector, DSIWM, NEDO

JS/cl

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- ▶ can off-property (contiguous to the waste unit, but outside the fence line) non-hazardous soil be disposed of on-site, after stabilization, and
- ▶ can off-property (Holmden Avenue - non-contiguous to the waste unit) non-hazardous soil be disposed of on-site, after stabilization?

Please let us know if there is any other information that needs to be provided to clarify the issues. We would appreciate a response as soon as possible, as the public comment period ends on March 31, 1999, at which point remediation decisions would need to be made in connection with the site.

Thank you for your assistance.

CC: Tim Christman, DERR-CO  
Scott Hester, DSIWM-CO  
Acting Manager (Jennifer Kurko), DSIWM/DHWM-NEDO  
Gwen Massenberg/ Jeff Heath, U.S. EPA-Region V  
Tim Kern, AG's Office  
Carolyn Princic, DHWM-NEDO

# OHIOEPA interoffice

M E M O R A N D U M

**to:** Kurt Princic and John Schmidt, DSIWM-NEDO  
**from:** Sheila Abraham through Bob Princic, DERR-NEDO  
**subject:** Master Metals - compliance with state ARARs  
**date:** March 23, 1999

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The purpose of this I.O.C. is to request assistance in complying with the state Applicable, Relevant and Appropriate Requirements (ARARs) in connection with remediation activities at the Master Metals site.

As background, Master Metals is an approximately 4 acre property on West 3rd Street in Cleveland that, between 1933 and 1993 operated as a hazardous waste facility (secondary lead smelter). Owing to regulatory concerns, the site was placed under orders by U.S. EPA in April 1997; the Superfund Accelerated Cleanup Model (SACM) process was chosen to facilitate a speedy progression of the site through the system. Ohio EPA-DERR is involved in an oversight capacity through the Cooperative Agreement (CA) with USEPA. Time critical removal actions were conducted at the site between June 1997 and January 1998 and included containment, treatment and disposal of hazardous materials. Hazardous waste (identified through characterization analysis) were stabilized on-site and disposed of appropriately. Non time critical activities were also undertaken, culminating in the Engineering Evaluation/ Cost Analysis (EE/CA) which evaluated the possible remediation alternatives possible at the site. The Agencies approved a preferred alternative that calls for off-property excavation to the industrial lead "risk" level (1000 mg/kg), on-site consolidation and an on-site cover of 2 feet of clean fill to mitigate risk.

Time critical remediation was also carried out at Holmden Avenue, where waste from Master Metals had been dumped in 1987 (based on the orders). Soils above the residential lead risk level (400 mg/kg) were excavated and transported to the Master Metals site, where stabilization activities were conducted such that the material met the presumptive Land Disposal Requirements (LDRs) of 0.25 mg/L. This material is currently on-site, awaiting "ultimate disposal".

The (future remediation) ARAR issues relate to stabilization and consolidation of the off-property material on-site, as well as the ultimate disposal of the Holmden Avenue soils. Remediation at the site has, to date, been conducted as articulated in the October 14, 1998 "Management of Remediation Waste Under RCRA" Policy. Specifically, the Area of Contamination Policy has been used as well as EPA's interpretation of CERCLA Section 121 (e) (to waive the requirement to obtain a permit and associated administrative and procedural requirements of permits, but not the substantive requirements that would be applied through permits). Please let us know if adherence to this policy ensures compliance with the state ARARs for future remediation activities. Specifically: